

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                |  |                                 |                 |                 |
|----------------|--|---------------------------------|-----------------|-----------------|
| Inventor:      | Mark Eric Obrecht, et al.  | §                               | Atty.Dkt.No.:   | 6002-00602      |
| Serial Number: | 10/647,644   | §                               | Examiner:       | Sherkat, Arezoo |
| Filing Date:   | August 25, 2003  | §                               | Group/Art Unit: | 2131            |
| Title:         | METHOD AND APPARATUS<br>FOR DETECTING MALICIOUS<br>CODE IN AN INFORMATION<br>HANDLING SYSTEM | §<br>§<br>§<br>§<br>§<br>§<br>§ | Conf. No.:      | 2528            |

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. WHOLESECURITY, INC. (“ASSIGNEE”) is the owner of all rights in the captioned application and pending U.S. Appl. No. 10/231,557, filed on August 30, 2002 (“the Pending Application”).

2. ASSIGNEE hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the captioned application that would extend beyond the expiration date of the full statutory term of any patent granted on the Pending Application, as such term of any patent so granted on the Pending Application is defined in 35 U.S.C. §154 to §156 and §173, and as such term of any patent so granted on the Pending Application may be shortened by any terminal disclaimer filed prior to its grant.

3. ASSIGNEE hereby agrees that any patent so granted on the captioned application shall be enforceable only for and during such period that it and any patent granted on the Pending Application are commonly owned. This agreement runs with any patent granted on the captioned application and is binding upon the grantee, its successors or assigns.

4. In making the above disclaimer, ASSIGNEE does not disclaim the terminal part of any patent granted on the captioned application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on the Pending Application, as the term of any patent so granted on the Pending Application may be shortened by any terminal disclaimer filed prior to its grant, in the event that any such patent granted on the Pending Application later:

expires for failure to pay a maintenance fee;

is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321;

has all claims canceled by a reexamination certificate;

is reissued; or

is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

5. Further, for any patent granted on the captioned application, ASSIGNEE does not disclaim any extension or restoration of term that may be available under any applicable statute.

6. The undersigned is an attorney of record.

A Fee Authorization form is enclosed to cover the fee for this disclaimer; however, the Commissioner is authorized to charge any additional fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/6002-00602/DMM.

Respectfully submitted,

Date: September 21, 2007

By: /Dean M. Munyon/  
Dean M. Munyon  
Reg. No. 42,914

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
(512) 853-8847